



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,556	02/09/2001	Seog Yeon Han	2950-185P	6169

2292 7590 06/21/2005

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

GYORFI, THOMAS A

ART UNIT	PAPER NUMBER
----------	--------------

2135

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/779,556

Applicant(s)

HAN ET AL.

Examiner

Tom Gyorfi

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-25 remain for examination. The correspondence filed 2/22/05 added claims 21-25.

Response to Arguments

2. Applicant's arguments filed 2/22/05 have been fully considered but they are not persuasive.

Applicant argues, *"In contrast, the present invention is drawn to the fundamentally different technology of the reproduction of a DVD disc containing a real-time data stream, such that claim 1 of the invention typically recites 'a standard file scheme pre-specified for a disk containing real-time data.' Kuba, which pertains to static photographs stored on a memory card, utterly fails to disclose or suggest a technology pertaining to this type of real-time data stored on disc."* Examiner disagrees, noting that Kuba discloses that it is possible to store audio files on the media (col. 31, lines 30-35). Sound files are construed to be a type of real-time data stream, under the broadest possible definition of the term. It should also be noted that independent claims 8, 13, and 15, as well as dependent claims 9, 11-12, 14, 16, and 18-20, do not recite a limitation wherein the files are real-time in nature; as such, this argument does not apply to those claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). It should also be further noted that while the Kuba invention discloses a camera as its preferred embodiment, Kuba explicitly teaches that the invention is broadly applicable to all general purpose storage solutions (col. 22, lines 55-60).

Applicant further argues, "*Further, the Examiner uses the single reference of Kuba to allege prima facie obviousness.*" This argument is moot as the rejections in question from the previous Office Action had been based on 35 USC 102 as lacking novelty in view of the Kuba reference.

Applicant further argues, "*At page 8 of the Office Action, the Examiner asserts that Figure 9B of the application is admitted prior art. However no admission of prior art has been made by the Applicants. However, the Applicants respectfully note that using the Applicants' disclosure to allege prior art without an admission of prior art has been held to be improper.*" This is incorrect, as Applicant amended Figure 9B in the correspondence filed 5/17/04 to explicitly make such an admission. This amendment was in response to an Office Action mailed 2/17/04 in which Examiner asserted inter alia that as Applicant made no attempt to compare or contrast the contents of Figure 9B with other admitted prior art, it could be held to be a depiction of [one or more aspects of] a conventional computer system. Upon further consideration, additional support for this view is found in the disclosure of international standard ECMA-167 (alternatively published as ISO-13346), which discloses on page 4/23 the contents of Figure 9B in its entirety (see Figure 15).

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-11 and 13-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuba et al. (U.S. Patent 5,806,072).

Referring to Claim 1:

Kuba discloses a file managing method in reproducing a rewritable disk, comprising the steps of:

- (a) checking the file names, directories, or names and directories of files written in the rewritable disk (col 27, lines 5-15);
- (b) providing a message indicating that reproduction is impossible when the file names, directories, or names and directories are against a standard file scheme pre-specified for a disk containing real-time data (col 27, lines 5-25; col. 31, lines 30-35);
- (c) conducting a correction operation, if demanded (col 27, lines 40-45; col 28, lines 1-10).

Referring to Claim 2:

Kuba discloses the limitations of Claim 1 above. Kuba further discloses, wherein the reason why the reproduction is impossible is contained in said message (col 28, lines 35-50).

Referring to Claim 3:

Kuba discloses the limitations of Claim 1 above. Kuba further discloses, steps (a) and (b) are conducted when the reproduction is requested (col 28, lines 35-50).

Referring to Claim 4:

Kuba discloses a file managing method in recording a data stream in a rewritable disk, comprising the steps of:

(a) checking a file name, directory, or name and directory of the file requested to be recorded in the rewritable disk (col 51, lines 5-30);

(b) providing a message indicating that reproduction would fail later if recorded as requested when the file name, directory, or name and directory is against a standard file scheme pre-specified for a disk containing real-time data file (col 51, lines 15-30);
and

(c) conducting a correction operation, if demanded (col 51, lines 20-30).

Referring to Claim 5:

Kuba discloses the limitations of Claim 4 above. Kuba further discloses, the step of recording received data as requested if the request of record is received again after the message being provided (col 51, lines 20-30).

Referring to Claim 6:

Kuba discloses the limitations of Claim 4 above. Kuba further discloses, the step of deleting information received when the file record is requested if the request of record is cancelled after the message being provided (col 26, lines 20-30).

Referring to Claim 7:

Kuba discloses the limitations of Claim 4 above. Kuba further discloses, wherein the reason why the later reproduction would fail is contained in said message (col 51, lines 20-35).

Referring to Claims 8 and 13:

Kuba discloses a method conducted in a computer for-managing files written in a rewritable disk, comprising the steps of:

(a) checking the file type if the file is requested to be renamed or moved (col 27, lines 5-20); and

(b) providing a message indicating that disk reproduction would be impossible after the file is renamed or moved, if the file type is one among pre-specified file types (col 27, lines 10-20); and

(c) conducting a correction operation, if demanded (col 28, lines 20-50).

Art Unit: 2135

Referring to Claims 9 and 14:

Kuba discloses the limitations of Claims 8 and 13 above. Kuba further discloses, wherein the correction operation comprises the step of renaming or moving the file as requested, if the requested file operation is demanded again after the message being provided (col 51, lines 20-30; col 24, lines 45-60).

Referring to Claim 10:

Kuba discloses the limitations of Claim 8 above. Kuba further discloses the pre-specified file type is indicative of a file containing real-time data (col 31, lines 60-65; col 49, lines 30-50).

Referring to Claim 11:

Kuba discloses the limitations of Claim 8 above. Kuba further discloses the pre-specified file types are designated by means of file names defined in a file system standardized for a rewritable disk containing real-time data stream (col 27, lines 20-40).

Referring to Claim 15:

Kuba discloses a file managing method in recording data stream in a rewritable disk, comprising the steps of: (a) checking whether or not a file structure formed in the rewritable disk conforms to a standard file system pre-specified for a disk containing real-time data stream (col 27, lines 5-30); (b) correcting the file structure of the rewritable disk if the file structure is against the standard file system (col 27, lines 10-20)

Art Unit: 2135

and (c) writing input data stream in a data file belonging to the corrected file structure (col 27, lines 10-15).

Referring to Claim 16:

Kuba discloses the limitations of Claim 15 above. Kuba further discloses, wherein said step (a) determines that the file structure is against the standard file system if a directory pre defined in the standard file system is not found (col 27, lines 5-20; col 28, lines 1-30).

Referring to Claim 17:

Kuba discloses the limitations of Claim 15 above. Kuba further discloses wherein said step (a) determines that the file structure is against the standard file system if the file name of a data file containing real-time data stream is different from the file name pre-defined in the standard file system (col 27, lines 35-55; col 28, lines 30-50).

Referring to Claim 18:

Kuba discloses the limitations as discussed in Claim 15 above. Kuba further discloses the file structure is against the standard file system if the file recording information written in a navigation file does not accord with existing data stream files (col 28, lines 35-50).

Art Unit: 2135

Referring to Claim 19:

Kuba disclose the limitations as discussed in Claim 15 above. Kuba further discloses copying the file structure before correction, and makes the copied file structure be distinguishable from the corrected file structure (col 24, lines 45-65; col 31, lines 15-30).

Referring to Claim 20:

Kuba discloses the limitations as discussed in Claim 15 above. Kuba further discloses a message asking whether or not the requested recording operation is proceed if the file structure is against the standard file scheme, and corrects the file structure of the rewritable disk if the requested recording operation is demanded again (col 27, lines 10-30; col 28, lines 15-40).

Referring to claims 21-25:

Kuba discloses the limitations as discussed in claims 1, 4, 8, 13, and 15 above. Kuba further discloses an embodiment wherein an opto-magnetic disk is used (col. 22, lines 55-60). In such an embodiment, it is inherent to the use of disk storage media that it would need to be inserted into a disk drive in order to perform its primary function.

Claim Rejections - 35 USC § 103

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuba et al. (U.S. Patent 5,806,072) in view of Applicants' Admitted Prior Art (Fig. 9B).

Referring to Claim 12:

Kuba disclose the limitations as discussed in claim 8 above.

Kuba does not explicitly disclose "step (a) refers to a 1-byte type field written in a table of information control block (ICB) tag contained in a file entry addressed by an ICB field of a file identifier descriptor".

Applicants' Admitted Prior Art discloses a 1-byte type field written in a table of information control block (ICB) tag contained in a file entry addressed by an ICB field of a file identifier descriptor.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Kuba with a 1-byte descriptor that defines the file as a datalink type file. One of ordinary skill in the art would have been motivated to do this because it would allow the system to quickly use the prefix table to determine the file type, and because doing so is in accordance with a well-known international standard.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Standard ECMA-167: Volume and File Structure for Write-Once and Rewritable Media using Non-Sequential Recording for Information Interchange. © June 1997 ECMA. page 4/23.
- Hitachi in North America: News Releases. ©11/15/99 Hitachi America Ltd.
<http://www.hitachi.us/Apps/hitachicom/content.jsp?page=PressReleaseArchive/details/Hitachi%20America%20Ltd.,%20Computer%20Division.html&path=jsp/hitachi/aboutus/Press-Media/>
- D-Store IBM Micro Drives. ©10/06/1999 (date provided by Internet Archive)
http://web.archive.org/web/19991006041329/http://d-store.com/d-store/microtech/ibm_micro_drives.htm
- U.S. Patent 6,738,075 issued to Torres et al.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 2135

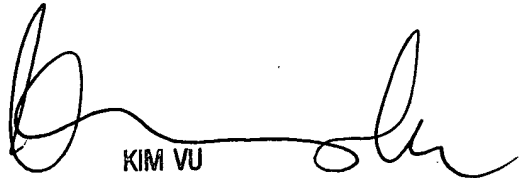
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Gyorfi whose telephone number is (571) 272-3849. The examiner can normally be reached on 8:00am - 4:30pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TAG
6/3/05


KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100